

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

B.E. TECHNOLOGY, LLC,

Plaintiff,

V.

AMAZON DIGITAL SERVICES, INC.

Defendant.

Case No. 2:12-cv-02767-JPM-tmp

JURY DEMAND

**DEFENDANT AMAZON DIGITAL SERVICES, INC.’S MOTION TO STAY
PROCEEDINGS PENDING RESOLUTION OF MOTION TO TRANSFER VENUE
(WITH CERTIFICATE OF CONSULTATION)**

Defendant Amazon Digital Services, Inc. (“Amazon”) respectfully moves for a stay of all proceedings in this action, including proceedings called for in the Local Patent Rules, pending the Court’s ruling on Amazon’s Motion to Transfer Venue to the United States District Court for the Northern District of California. (Dkt. 43.) The Federal Circuit has explained that any proceedings on the merits should take place in the proper forum and has suggested that in situations such as here, where the parties have sought transfer to a more convenient forum, the district court should stay all proceedings pending resolution of the motions to transfer. *See, e.g., In re Fusion-IO*, 2012 U.S. LEXIS 26311 (Fed. Cir. Dec. 21, 2012) (non-precedential). The grounds for this motion are set forth in the attached Memorandum of Facts and Law.

As set forth in the Certificate of Consultation below, Plaintiff has advised that while it cannot consent to this motion, it will not actively oppose it.

Respectfully submitted,

s/Mark Vorder-Bruegge, Jr.

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CERTIFICATE OF CONSULTATION

The undersigned attorney hereby certifies that prior to the filing of the foregoing motion, substantive consultation was held between the undersigned and Richard Carter, counsel for plaintiff B.E. Technology, over multiple days culminating in a telephone discussion on February 7, 2013. At that time, B.E. Technology indicated that it would continue to oppose stay motions of the foregoing type in this and related cases. On the next afternoon, the Court granted several virtually identical motions for stay in related cases, and the undersigned re-contacted Mr. Carter to determine whether plaintiff would reconsider. At 3:16 p.m. on February 11, Mr. Carter advised that in light of the Court's rulings on the other stay motions, plaintiff cannot consent to, but "will not actively oppose" this stay motion.

s/Mark Vorder-Bruegge, Jr.
Mark Vorder-Bruegge, Jr.

CERTIFICATE OF SERVICE

The foregoing document was filed under the Court's CM/ECF system, automatically effecting service on counsel of record for all other parties who have appeared in this action on the date of such service.

s/Mark Vorder-Bruegge, Jr.
Mark Vorder-Bruegge, Jr.